

Virginia Coastal Zone Management Program
Public Notice of Changes to Enforceable Policies and Opportunity to Comment

Comment Period expires 21 days from the date of publication

Notice of Intended Action: The federal Coastal Zone Management Act (CZMA) requires that federal actions be consistent with the policies of federally approved state coastal management programs. This authority provided to states is known as the CZMA “Federal Consistency” requirement. Under the terms of the CZMA and its implementing regulations, the policies of the state used to assess the consistency of federal actions are referred to as “enforceable policies.” These policies must be approved by the National Oceanic and Atmospheric Administration (NOAA) in order to be applied in the review of federal actions for consistency.

In order to provide a more easily understood and readily accessible statement of enforceable policies of the Virginia Coastal Zone Management (CZM) Program, the state has developed a narrative statement of the enforceable policies of the Program. These narrative statements summarize, in plain language, the requirements of the underlying statutory and regulatory requirements of the Virginia CZM Program, and are to be referred to by federal agencies, and federal license and permit applicants when assessing whether their proposed actions may have reasonably foreseeable effects on coastal uses or resources of the Virginia coastal zone, and are consistent with the enforceable policies of the Virginia CZM Program.

Purpose of the Notice: As required by 15 CFR Section 923.81 of the federal Coastal Zone Management Act regulations, notice is hereby given that the Virginia CZM Program has requested review and approval by NOAA’s Office for Coastal Management of the narrative policies as a change to the Virginia CZM Program.

The requested program change includes modification of the following existing enforceable policies of the Virginia CZM Program into a narrative format (note that these titles may differ from the current Virginia CZM Program policies’ titles): (I) Tidal Wetlands and Non-Tidal Wetlands; (II) Subaqueous Lands; (III) Dunes and Beaches; (IV) Chesapeake Bay Preservation Areas; (V) Marine Fisheries; (VI) Wildlife and Inland Fisheries; (VIII) Commonwealth Lands; (IX) Point Source Air Pollution; (X) Point Source Water Pollution; (XI) Nonpoint Source Water Pollution; and (XII) Shoreline Sanitation.

Additionally, the requested program change includes the incorporation of the following new enforceable policies, in a narrative format, into the Virginia CZM Program: Wildlife and Threatened and Endangered Species and Nonindigenous Aquatic Nuisance, Predatory, or Undesirable Species as subsections in (VI) Wildlife and Inland Fisheries; and (VII) Plant Pests and Noxious Weeds.

To Review Documents: A copy of this Program Change submission is available at <https://coast.noaa.gov/czmprogramchange/#/public/home>.

If you require paper copies of these documents, please contact the Virginia CZM Program through Shep Moon at 804-698-4527 or shep.moon@deq.virginia.gov. If you have any questions about the Virginia CZM Program’s submission, please contact Bettina Rayfield at 804-698-4204 or bettina.rayfield@deq.virginia.gov.

How to Comment: Comments on this proposed program change should be submitted directly to the National Oceanic and Atmospheric Administration (NOAA) by within 21 days of the date of this publication through NOAA's Program Change Portal at: <https://coast.noaa.gov/czmprogramchange/#/public/home>

Public Comment Period: *21 days from the date of publication*

Program Change Notification List: If you received this program change public notice via a forwarded email but are not the agency contact listed in the initial email, and you would like to be added to the Virginia CZM Program change notification list, please email your contact information to virginia.witmer@deq.virginia.gov. Please use "Add to Program Change Notification List" as the subject line of your email.